

A political dispute between South Sudan's president Salva Kiir and his former vice president, Riek Machar, triggered intraarmy clashes at the end of 2013 that tipped the country into a full-scale civil war in 2014. The fighting quickly assumed ethnic dimensions, with targeted killings carried out by both sides. As in previous conflicts, civilians were not only caught up in the fighting, but were specifically targeted by the combatants—even as they took shelter in hospitals, places of worship, and UN facilities.

Serious fighting engulfed 3 of South Sudan's 10 states, with the heaviest clashes taking place in the oil-producing states of Upper Nile and Unity, as well as in adjacent Jonglei state; in all three states, large numbers of soldiers from the Sudan Peoples' Liberation Army (SPLA) defected to the opposition. Both sides drew support from an assortment of domestic and foreign militia groups.

A cessation of hostilities agreement reached in January made little difference on the ground. Both sides continued to interfere with humanitarian access to the worst-affected areas and appeared immune to international pressure, including the announcement of sanctions by the United States and European Union against some of the key protagonists. Negotiations dragged on, with neither side showing any urgency to end the fighting.

By the end of the year, an estimated 1.9 million people had been displaced by the conflict. Almost 100,000 were taking shelter at UN bases throughout the country. The scale of disruption led to severe food shortages and warnings of famine by mid-year. Although conditions stabilized somewhat in the following months, the United Nations estimated that 6.4 million people would face food insecurity at the start of 2015. Estimates of the dead varied wildly but the International Crisis Group considered its figure of 50,000 to be conservative.

Political Rights and Civil Liberties:

Political Rights: 2 / 40 (-6) [Key]

A. Electoral Process: 3 / 12 (-1)

Kiir was elected president of the semiautonomous region of Southern Sudan in 2010, and became president of South Sudan when it achieved independence in 2011. A revised version of Southern Sudan's 2005 interim constitution, adopted at independence, gives sweeping powers to the executive. The president cannot be impeached and has the authority to fire state governors and dissolve the parliament and state assemblies. Kiir made use of his wide powers in 2013, dismissing his entire cabinet and the vice president. He also fired two state governors and missed constitutional deadlines to elect permanent replacements.

A permanent constitution was due to be passed by 2015, but work has been hampered by administrative delays, budget shortfalls, and the outbreak of civil war. A 55-member National Constitutional Review Commission, established in 2012, has yet to produce a draft. Some opposition politicians boycotted the constitutional consultation process, claiming it was insufficiently inclusive and was dominated by members of the ruling Sudan People's Liberation Movement (SPLM).

South Sudan's bicameral National Legislature was reconfigured after independence. The SPLM holds 90 percent of the 332 seats in the lower house, the National Legislative Assembly (NLA). In addition to

members of the old, preindependence Southern legislature—who were elected in 2010—the chamber includes 96 former members of Sudan’s National Assembly and 66 additional members appointed by the president. The upper chamber, the Council of States, includes 20 former members of Sudan’s Council of States, plus 30 members appointed by Kiir. In principle, significant powers are devolved to the 10 state assemblies. Nine of the 10 state governors are members of the SPLM.

Preparations for the country’s first national elections, scheduled for 2015, have been derailed by the outbreak of the civil war. Although an elections act was passed and a National Elections Commission established in 2012, the government and the international community largely concur that elections cannot happen until peace is secured and a transitional political arrangement agreed. International negotiators are pushing for a broad-based transitional government to be established, but talks have stalled over the roles that Kiir and Machar would play in this arrangement, among other issues.

B. Political Pluralism and Participation: 0 / 16 (–2)

Opposition parties currently have no chance of winning real political power. Five opposition parties are represented in the NLA, but they lack both the resources to operate effectively and the experience to formulate policy and set party platforms. The SPLM is intolerant of opposition. It has repeatedly accused the largest opposition party, the Sudan People’s Liberation Movement for Democratic Change (SPLM-DC), of supporting armed groups and has threatened to rescind its party registration. The derailment of electoral preparations by the civil war removed what little opportunity there might have been for the opposition to gain power.

The SPLM is also deeply intolerant of internal dissent. The December 2013 crisis was preceded by Kiir’s decision to marginalize a significant portion of South Sudan’s political leadership, his refusal to convene a meeting of the SPLM’s executive body to discuss complaints about his governing style, and his failure to promote internal party democracy. Kiir has been accused of allowing his decisions to be led by a group of close advisers, described by his opponents as “regional and ethnic lobbies and close business associates.” Accusations persist that members of the country’s largest ethnic group, the Dinka, dominate the SPLM’s leadership and the security services to the detriment of others.

South Sudan’s military, the SPLA, continues to exercise strong influence over political affairs.

C. Functioning of Government: 1 / 12 (–1)

Endemic corruption has shattered public confidence in the state. South Sudan is ranked fifth from the bottom of the 175 countries and territories surveyed in Transparency International’s 2014 Corruption Perceptions Index. Government appointments are typically handed to SPLM loyalists or potential rivals with little regard for merit, and corrupt officials take advantage of inadequate budget monitoring to divert public funds. Ghost workers are used to artificially inflate the public payroll, allowing corrupt officials to steal the surplus.

In 2014, President Kiir and the ruling clique around him operated in an increasingly opaque, authoritarian manner. Civil society had little to no impact upon policy and was cut out of deliberations over a new constitution and peace talks to end the civil war.

Opaque management of South Sudan’s abundant oil wealth, which accounts for about 90 percent of

government revenue, allows some SPLM officials to line their own pockets without consequences. In 2012, President Kiir accused 75 current and former officials of stealing a total of \$4 billion. He demanded the return of the money, but no further action has been taken.

A government committee formed in May 2014 looking into the misappropriation of tax revenues found that the Civil Aviation Authority had collected approximately \$2.2 million in landing fees between mid-2013 and mid-2014 but had not remitted any funds to the Ministry of Finance.

Discretionary Political Rights Question B: 2 / 0 (-2)

In both government-controlled areas and parts of the country occupied by Machar loyalists, combatants have engaged in targeted killings against opponents based on their ethnicity in order to pursue vendettas and seek political gain. The Dinka-dominated government forces particularly target Nuer individuals and vice versa. While some of these atrocities were the result of poorly disciplined fighters acting on their own initiative, others appear to have been officially planned and coordinated.

Members of the Nuer ethnic group were targeted at the outset of the fighting in Juba, in December 2013. During the height of the fighting in Bentiu, in April 2014, men purporting to be government officials broadcast hate speech on the radio, urging reprisal attacks against Dinka members of the community. The broadcast occurred within hours of one of the worst atrocities of the war to date, when opposition fighters killed hundreds of civilians in and around Bentiu's main mosque.

According to a May report by the UN Mission in South Sudan (UNMISS), many attacks demonstrated organization and adherence to command structures. Human Rights Watch accused both the government and opposition forces of committing "extraordinary acts of cruelty that amount to war crimes and in some cases potential crimes against humanity." Neither side has made serious efforts to hold anyone accountable.

Civil Liberties: 15 / 60 (-9)

D. Freedom of Expression and Belief: 4 / 16 (-3)

The operating environment for journalists has deteriorated since independence. Conditions became even more difficult with the outbreak of the civil war, which prompted a government crackdown on reporters, including some foreign correspondents, who tried to interview rebel leaders or provide balanced coverage of the conflict. As a result, many reporters exercise self-censorship, while others have left the country altogether. In December, the head of the Union of Journalists of South Sudan estimated that 32 incidents of harassment or detainment of members without cause had occurred since the start of the conflict. Internet use is negligible.

According to Human Rights Watch, members of the National Security Service (NSS) ordered the closure of one newspaper, *Almajhar Alsayasy*, in early 2014, and seized editions of the weekly newspaper *the Juba Monitor* on eight occasions. In August, a Catholic radio station, *Radio Bahkita*, was closed down for several weeks for its coverage of the civil war. Little progress appears to have been made in arresting the murderer of an online journalist and critic of the government, Diing Chan Awuol, who was shot dead on his doorstep in 2012.

Although parliament has passed bills to govern public broadcasting in South Sudan, to set up a media oversight authority, and to guarantee the public right of access to information, none of the bills has yet been implemented.

The interim constitution guarantees religious freedom, but places of worship became targets for attack by both sides in the conflict after the civil war broke out. During the fighting in Malakal, Bor, and Bentiu, thousands of people taking refuge in churches and mosques became subject to attacks based on their ethnicity.

There are no restrictions on academic freedom, though basic access to education is limited outside state capitals. The education system has been seriously disrupted by the civil war. Some 70 percent of schools were closed in the three most conflict-affected states, Jonglei, Unity, and Upper Nile, and some schools have been commandeered for military use. At the country's main institution of higher learning, Juba University, classes were suspended for several weeks in early 2014 and Nuer students were reportedly targeted in ethnically motivated violence.

Public discussion of political issues is muted for fear of harassment by authorities. The government uses the NSS to track and intimidate perceived critics and is believed to use telephone surveillance to monitor opponents.

E. Associational and Organizational Rights: 3 / 12

Freedoms of assembly and association are enshrined in the interim charter but have been seriously eroded in practice. Protests do occur but have faced excessive governmental force. South Sudan is highly dependent on assistance from foreign nongovernmental organizations (NGOs), yet the government has taken an increasingly confrontational approach toward them. In September 2014, South Sudan's labor minister gave NGOs one month to replace their foreign staff with locals. Although the order was later effectively withdrawn, an effort to tightly regulate the operations of NGOs has been tabled in the National Assembly. NGO offices, vehicles, and supplies have been routinely looted as the civil war has escalated.

Relations between the government and UNMISS sharply deteriorated in 2014. Armed groups have singled out UNMISS personnel and civilians in their care for attack. In April, an armed mob launched an assault on a UN compound in Bor, where approximately 5,000 civilians were sheltering. Both sides in the civil war have interfered with the delivery of humanitarian supplies.

Domestic civil society organizations, including unions, remain nascent. A Workers' Trade Union Federation, formed in 2010, has 65,000 members. Legislation to codify labor rights has stalled in the National Assembly.

F. Rule of Law: 1 / 16

The interim constitution provides for an independent judiciary. There are allegations that the government has used the courts to harass Kiir opponents. The court system is under huge strain. According to the U.S. State Department, pretrial detainees were estimated to account for between one-third and two-thirds of the prison population. Inefficiencies in the justice system have led to indefinite detention.

The president was accused of using the December 2013 crisis as a pretext to detain prominent political

rivals after 11 current and former senior SPLM officials were arrested on suspicion of involvement in an attempted coup. All members of the group were released by late April 2014 following pressure from the international community. However, a spokesman for the government threatened to detain them again if they did not “change their attitude.”

There is a culture of impunity within the security forces, with serious abuses carried out against civilians, reportedly with the full knowledge or on the orders of senior commanders. The NSS is an unregulated agency reporting directly to the president, and has been responsible for arbitrary arrests and abuses. A bill to further expand its powers appeared to be in legal limbo at year’s end.

Members of the SPLA, the South Sudan National Police Service (SSNPS), and the NSS have played a central role in the violence that has engulfed South Sudan since December 2013. UNMISS and human rights organizations have accused members of the security services of involvement in extrajudicial killings, attacks on civilians, enforced disappearances, destruction of property, and sexual violence. Various branches of the security forces set up investigative teams in January and February to look into allegations of serious human rights violations carried out during the ongoing civil war, but few details have been released about their inquiries and they appear to have made little progress.

While there have been modest improvements to the penal system, prison facilities are poor, with unsanitary conditions and insufficient food for inmates. Children and the mentally ill are routinely detained with the general prison population.

Civilians, including children, the elderly, and the infirm, have been terrorized by both sides in the civil war. For example, at least twice in February, opposition militia members shot patients at Malakal Teaching Hospital who were not from the Nuer ethnic group.

Since the war for independence from Sudan ended in 2005, more than two million refugees and internally displaced people have moved back to the South. The government encouraged their return but has largely failed to provide them with even the most basic assistance.

Same-sex sexual conduct is not explicitly illegal in South Sudan, but “carnal intercourse against the order of nature” is punishable by up to 10 years in prison. LGBT (lesbian, gay, bisexual, and transgender) individuals face widespread discrimination and stigma.

G. Personal Autonomy and Individual Rights: 5 / 16

South Sudan’s interim constitution enshrines the rights of free movement and residence, as well as the right to an education. In reality, poverty, poor to nonexistent service delivery, and renewed conflict have restricted the ability of most citizens to exercise these rights.

Land use and ownership are frequent causes of conflict in South Sudan, and returning refugees have exacerbated the problem. Unclear or nonexistent laws have been exploited by SPLM officials and overseas investors to uproot people from their land. Foreign workers in South Sudan have complained of harassment and discrimination. Both sides in the civil war have reportedly looted foreign-owned businesses.

The interim constitution guarantees the rights of women to equal pay and property ownership. Women hold a quarter of the posts in the NLA, fulfilling a constitutional gender quota. Nonetheless, women are routinely exposed to discriminatory practices and domestic abuse. The prevalence of child marriage contributes to

low levels of educational attainment among girls. Official figures suggest that almost half of girls aged 15 to 19 are married. Cases of sexual violence against women soared following the outbreak of the civil war.

According to UNICEF, both sides in the civil war have enlisted child soldiers. It accused the White Army, a Nuer militia nominally linked to former vice president Machar, of mobilizing thousands of underage soldiers, and claimed that the government sent children to the front lines during fighting in Bentiu in August.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

[Full Methodology](#)